UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/802,909 | 03/17/2004 | Natasa Milic-Frayling | MS306871.1 | 4612 |

27195 7590 04/20/2007

AMIN. TUROCY & CALVIN, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

| EXAMINER | |
|---|---|
| RAYYAN, SUSAN F | |
| **ART UNIT** | **PAPER NUMBER** |
| 2167 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 04/20/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

ED

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/802,909 | MILIC-FRAYLING ET AL. | |
| | Examiner | Art Unit | |
| | Susan F. Rayyan | 2167 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *02 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Susan Rayyan
April 13, 2007

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/9/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. Claims 1-29 are pending.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on October 2006 was filed before First Office Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

the claimed invention is directed to non-statutory subject matter.

**Claims 1-3,7-9, 10-13, 17-20, 26-29 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claim 1 recites a system that facilitates search query results comprising a client-side receiving component that that accepts a query result from a search service and a client-side processing component that provide user-dependent query result information derived from the query results including an indication of the percentage of content type as compared to total content within at least one linked document in the query result. The claim does not provide a tangible result such as storing or displaying the indication of percentage of content.

Claim 10 recites a method that facilitates search query results comprising receiving at least one query result from a search service and providing user-dependent

query result information derived from the query result including an indication of the percentage of content type within at least one linked document . The claim does not provide a tangible result such as storing or displaying the indication of percentage of content.

Claim 20 recites a system that facilitates search query results , accepting at least one query result from a search service and providing user-dependent query result information derived from the query result including an indication of the percentage of at least one of text, image and links content type within at least one linked page in the query result . The claim does not provide a tangible result such as storing or displaying the indication of percentage of at least one of text, image and links content type.

Claim 26, recites a data packet , transmitted between two or more computer components , that facilitates search query results , the data packet comprising information relating to a client-side search query system ...the information including an indication of percentage of content type within at least one link in the query result.

1) The claim does not provide a tangible result such as storing or displaying the indication of percentage of content type within the link.

2) When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does

not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a result would exalt form over substance. In re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) ("[E]ach invention must be evaluated as claimed; yet semantogenic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under § 101, the claimed invention, as a whole, must be evaluated for what it is.") (quoted with approval in Abele, 684 F.2d at 907, 214 USPQ at 687). See also In re Johnson, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) ("form of the claim is often an exercise in drafting"). Thus, nonstatutory music is not a computer component and it does not become statutory by merely recording it on a compact disk. Protection for this type of work is provided under the copyright law.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,363,377 issued to Dina Kravets et al ("Kravets") in view of**

**US Patent Number 6,134,548 issued to Edward Gottsman et al ("Gottsman") in view of US Patent Number 6,405,192 issued to Michael Wayne Brown ("Brown").**

As per independent claim 1, Kravets teaches a system that facilitates search query results (see Abstract), comprising:

a client-side receiving component that accepts at least one query result from at least one search service (column 11, line 65, bridging to column 12, line 1 and Figure 1A, Reference Numbers 18, 30, receiving search results); and

a client-side processing component that provides ... query result information derived from the query result accepted by the client-side receiving component (column 4, lines 20-21, display results of the search and column 7, lines 49-65, user votes negatively on a cluster of his informational needs then the system re-clusters the remaining documents).

Kravets does not explicitly teach user-dependent. Gottsman discloses the claimed user-dependent (each active user intention is given a Nickname which is the displayed name the user sees on the screen, column 35, lines 50-57, Figures 12-14). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kravets with user-dependent to customize the content to show only the content that relates to a particular intention (column 35, lines 37-40).

Kravets in view of Gottsman do not explicitly teach the user dependent query information includes an indication of percentage of content type as compared to total content type within at least one linked document in the query result. Brown does teach

this limitation at column 8, lines 20-45 as determining the percentage of broken links and displaying to the user to make informed decisions about which links to follow. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravetts in view of Gottsman with the user dependent query information includes an indication of percentage of content type as compared to total content type within at least one linked document in the query result as described by Brown (column 2, lines 10-12).

As per claim 2, same as claim augments above and Gottsman discloses the claimed user model (each User Persona has the Persona data model and has many number of active User Intentions. Each active User intention is given a nickname which is the display name the user sees on the screen, see column 35, lines 50-57, Figures 12-24).

As per claim 3, same as claim arguments above and Kravets teaches:
information related to at least one selected from the group consisting of a user context, a user profile, and a user query result rule (clusters which receive a yes vote are saved along with the query in a search context folder. A user as the ability to find a query and its results by either browsing the search context folders or doing a keyword based search for the among all the context folders, column 7, lines 61-65).

As per claim 4 , same as claim arguments above and Kravets teaches:
client-side processing component provides the user-dependent query result information via at least one visual indicator (column 1, lines 14-16, refining and improving search queries and for organizing the results of a search query by different and overlapping criteria).

As per claim 5 , same as claim arguments above and Kravets teaches:
the visual indicator comprising at least one selected from the group consisting of highlighting, color, intensity of color, geometric shape, and quantity of geometric shapes (column 1, lines 14-16, refining and improving search queries and for organizing the results of a search query by different and overlapping criteria).

As per claim 6 , same as claim arguments above and Gottsman teaches:
the client-side processing component provides the user-dependent query result information via at least one aural indicator(column 38,lines 27-41, generate verbal summary for the user).

As per claim 7 is rejected based on the same rationale as claim 1.

As per claim 8 , same as claim arguments above and Brown teaches:
he evaluation of at least one link comprising at determination as to whether the link corresponds to at least one selected from the group consisting of a document with text and a document with links (column 6, lines 25-30).

As per claim 9 , same as claim arguments above and Brown teaches:
the content type is at least one of text, graphics, and links (at column 8, lines 20-45 as links.

As per independent claim 10, Kravets teaches a method for facilitating search query results (see Abstract), comprising:
receiving at least one query result from at least one search service(column 11, line 65, bridging to column 12, line 1 and Figure 1A, Reference Numbers 18, 30, receiving search results); and
providing ... query result information derived from the query result and
the user-dependent query result information determined via client-side processing. (column 4, lines 20-21, display results of the search and column 7, lines 49-65, user votes negatively on a cluster of his informational needs then the system re-clusters the remaining documents).

Kravets does not explicitly teach user-dependent. Gottsman discloses the claimed user-dependent (each active user intention is given a Nickname which is the displayed name the user sees on the screen, column 35, lines 50-57, Figures 12-14). It

would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kravets with user-dependent to customize the content to show only the content that relates to a particular intention (column 35, lines 37-40).

Kravets in view of Gottsman do not explicitly teach the user dependent query result information including an indication of percentage of content type within at least one linked document in the query result. Brown does teach this limitation at column 8, lines 20-45 as determining the percentage of broken links and displaying to the user to make informed decisions about which links to follow. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravetts in view of Gottsman the user dependent query result information including an indication of percentage of content type within at least one linked document in the query result. to total content type within at least one linked document in the query result as described by Brown (column 2, lines 10-12).

As per claim 11,same as claim arguments above and Gottsman discloses the claimed user model (each User Persona has the Persona data model and has many number of active User Intentions. Each active User intention is given a nickname which is the display name the user sees on the screen, see column 35, lines 50-57, Figures 12-24).

As per claim12 same as claim arguments above and Kravets teaches:
the user model comprising a model that utilizes, at least in part, information related to at least one selected from the group consisting of a user context, a user profile, and a

user query result rule(clusters which receive a yes vote are saved along with the query in a search context folder. A user as the ability to find a query and its results by either browsing the search context folders or doing a keyword based search for the among all the context folders, column 7, lines 61-65).

As per claim 13 same as claim arguments above and Kravets teaches:
relaying the user-dependent query result information via at least one search result page indicator(column 1, lines 14-16, refining and improving search queries and for organizing the results of a search query by different and overlapping criteria).

As per claim 14 same as claim arguments above and Brown teaches:
displaying, automatically, at least one thumbnail relating to a search query result page in response to a selection of a corresponding search query result link by at least one user and navigating to a portion of the search query result page and turning ON at least one search result page indicator in response to an interaction with the thumbnail by the user (column 2, lines 31-34 ).

As per claim 15 same as claim arguments above and Gottsman teaches:
the search result page indicator comprising ... an aural indicator (column 38,lines 27-41, generate verbal summary for the user).

As per claim 16 same as claim arguments above and Kravets teaches;
the visual indicator comprising at least one selected from the group consisting of symbols, highlighting, color, intensity of color, geometric shape, and quantity of geometric shapes(column 1, lines 14-16, refining and improving search queries and for organizing the results of a search query by different and overlapping criteria).

As per claim 17 same as claim arguments above and Brown teaches:
deriving at least part of the user-dependent query result information via evaluating at least one link provided by the query result (column 6, lines 24-40 as parse document links and display change information web page appearance in a user customizable way).

As per claim 18 same as claim arguments above and Brown teaches:
determining whether the link corresponds to at least one selected from the group consisting of a document with text and a document with links(column 6, lines 25-30, column 9, lines 1-15).

As per claim 19 same as claim arguments above and Brown teaches:
providing an indicator for the link that indicates at least one selected from the group consisting of a text-content link and a link-content link (column 6, lines 25-30).

As per independent claim 20, Kravets teaches a system that facilitates search query results(see Abstract):

means for accepting at least one query result from at least one search service(column 11, line 65, bridging to column 12, line 1 and Figure 1A, Reference Numbers 18, 30, receiving search results); and

means for providing ... query result information derived from the query result and the user-dependent query result information determined via client-side processing (column 4, lines 20-21, display results of the search and column 7, lines 49-65, user votes negatively on a cluster of his informational needs then the system re-clusters the remaining documents).

Kravets does not explicitly teach user-dependent. Gottsman discloses the claimed user-dependent (each active user intention is given a Nickname which is the displayed name the user sees on the screen, column 35, lines 50-57, Figures 12-14). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kravets with user-dependent to customize the content to show only the content that relates to a particular intention (column 35, lines 37-40).

Kravets in view of Gottsman do not explicitly teach the user dependent query result information including an indication of percentage of at least one of text, image and link content type within at least one linked page in the query result. Brown does teach this limitation at column 8, lines 20-45 as determining the percentage of broken links and displaying to the user to make informed decisions about which links to follow. It would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Kravetts in view of Gottsman with the user dependent query result information including an indication of percentage of at least one of text, image and link content type within at least one linked page in the query result. to total content type within at least one linked document in the query result as described by Brown (column 2, lines 10-12).

As per independent claim 21, Kravets teaches a user interface, comprising:
an interface adapted to communicate enhanced search query results to a user(column 11, line 65, bridging to column 12, line 1 and Figure 1A, Reference Numbers 18, 30, receiving search results);
at least one input associated with the interface to provide information related to at least one search query result(column 4, lines 20-21, display results of the search and column 7, lines 49-65, user votes negatively on a cluster of his informational needs then the system re-clusters the remaining documents).

Kravets does not explicitly teach user-dependent. Gottsman discloses the claimed user-dependent (each active user intention is given a Nickname which is the displayed name the user sees on the screen, column 35, lines 50-57, Figures 12-14). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kravets with user-dependent to customize the content to show only the content that relates to a particular intention (column 35, lines 37-40).

Kravets in view of Gottsman do not explicitly teach at least one output to indicate ... search query result information and the output utilizing, at least in part, a thumbnail view to convey the information, the thumbnail view including an indication of percentage

of at least one of text, image and links content type as compared to total content type within at least one linked document in the query result. . Brown does teach this limitation (see column 8, lines 20-45 as determining the percentage of broken links and displaying to the user and column 9, lines 67, thumbnail) to make informed decisions about which links to follow. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kravets in view of Gottsman at least one output to indicate ... search query result information and the output utilizing, at least in part, a thumbnail view to convey the information, the thumbnail view including an indication of percentage of at least one of text, image and links content type as compared to total content type within at least one linked document in the query result to convey the information to make informed decisions about which links to follow as described by Brown (column 2, lines 10-12).

As per claim 22, same as claim augments above and Gottsman discloses the claimed user model (each User Persona has the Persona data model and has many number of active User Intentions. Each active User intention is given a nickname which is the display name the user sees on the screen, see column 35, lines 50-57, Figures 12-24).

As per claim 23 same as claim arguments above and Kravets teaches:
the input comprising at least one selection of at least one search query result (column 7, lines 49-50, vote selection is a selection of a query result).

As per claim 24 same as claim arguments above and Brown teaches:
the output comprising an interactive output that responds to a user selection within the thumbnail view (column 9, line 1- column 10, line 11)

As per claim 25, same as claim arguments above and Brown teaches:
the output comprising at least one indicator of whether a search query result link is at least one selected from the group consisting of a text-content link and a link-content link (column 6, lines 25-30).

As per independent claim 26, Kravets teaches:
transmitted between two or more computer components, that facilitates search query results(column 11, line 65, bridging to column 12, line 1 and Figure 1A, Reference Numbers 18, 30, receiving search results);
the data packet comprising, at least in part, information relating to a client-side search query system that utilizes, at least in part, ...information to provide user-dependent query result data derived from a search service query result. (column 4, lines 20-21, display results of the search and column 7, lines 49-65, user votes negatively on a cluster of his informational needs then the system re-clusters the remaining documents).

Kravets does not explicitly teach user-dependent. Gottsman discloses the claimed user-dependent (each active user intention is given a Nickname which is the displayed name the user sees on the screen, column 35, lines 50-57, Figures 12-14). It would

have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Kravets with user-dependent to customize the content to show only the content that relates to a particular intention as described by Gottsman (column 35, lines 37-40).

Kravets in view of Gottsman do not explicitly teach the information including an indication of percentage of content type within at least one link in the query result. Brown does teach this limitation at column 8, lines 20-45 as determining the percentage of broken links and displaying to the user to make informed decisions about which links to follow. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravetts in view of Gottsman the user dependent query result information teach the information including an indication of percentage of content type within at least one link in the query result to total content type within at least one linked document in the query result as described by Gottsman (column 2, lines 10-12).

Claims 27-29, are rejected based on the same rationale as claim 1.

## Response to Arguments

5. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "query results can be examined semantically to identify user interests an

thumbnail summary can be generated", links within the query results can be examined for content type, such as text image and links") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues prior art of record does not teach the thumbnail view including an indication of percentage of at least one of text, image and links content type as compared to total content type within at least one linked document in the query result. Brown does teach this limitation (see column 8, lines 20-45 as determining the percentage of broken links and displaying to the user and column 9, lines 67, thumbnail).

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (571) 272-1675. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Susan Rayyan

April 13, 2007

JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100